**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929**

**WP(C).No. 20236 of 2004(H)**
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**PETITIONER:**
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**N.VIJAYAKUMAR, MAIVADIMADOM,**
**THIRUVALLAM, TRIVANDRUM DISTRICT.**

**BY ADV. SRI.M.P.RAMNATH**
**SRI.JOHN VARGHESE (VEYKKAN)**

**RESPONDENTS:**
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**1. THE TRAVANCORE DEVASWOM BOARD, REP. BY ITS SECRETARY, DEVASWOM BOARD OFFICE, NANDANKODE, TRIVANDRUM.**

**2. THE COMMISSIONER, TRAVANCORE DEVASWOM BOARD, TRIVANDRUM.**

**3. MR.M.JAYAKUMAR, MADATHILNADA JAYA BHAVAN, THIRUVALLAM, TRIVANDRUM**

**ADDL.R4. SRI.P.NARAYANA SHARMA, HARI SADANAM, KODIMATHA, KOTTAYAM. AT PRESENT AS PUROHITAN IN THIRUVALLAM SREE PARASURAMA SWAMI TEMPLE, TRIVANDRUM.**

**(ADDL.R4 IMPLEADED AS PER ORDER IN IA NO.1773 OF 2005 DT.24/05/2007**

**BY ADV. SRI.P.G.PARAMESWARA PANICKER,SC, TDB**
**SRI.C.VIJAYAN, SC, TDB**
**SRI.S.V.RAJAN FOR ADDL.R4**
**SRI.S.ARUN RAJ**
**SRI.D.SREEKUMAR, SC, TDB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO.20236/2004**

**ORDER IN IA 780 OF 2006 IN WP(C) NO.20236 OF 2004**

**DISMISSED**

**24/5/2007** **SD/-K.S.RADHAKRISHNAN, JUDGE**

**SD/-ANTONY DOMINIC, JUDGE**

**//TRUE COPY//**

**WP(C) NO.20236/2004**

## APPENDIX

**PETITIONER'S EXHIBITS**

**EXT.P1: TRUE COPY OF THE JUDGMENT IN OP NO.4520 OF 1992 DT.29.10.93.**

**EXT.P2: TRUE COPY OF THE NOTICE DT.24.3.2004.**

**EXT.P3: TRUE COPY OF THE SHOW CAUSE NOTICE DT.15.5.2004.**

**EXT.P4: TRUE COPY OF THE LETTER DT.26.5.2003.**

**EXT.P5: TRUE COPY OF THE LET DATED 4.5.2002.**

**EXT.P6: TRUE COPY OF THE LETTER DT.2.7.2004.**

**EXT.P7: TRUE COPY OF THE LETTER DT.29.7.98.**

**EXT.P8: TRUE COPY OF THE REPORT DT.25.9.2003.**

**EXT.P9: TRUE COPY OF THE REPRESENTATION DT.9.4.2003.**

**EXT.P10: TRUE COPY OF THE CERTIFICATE DT.23.2.2003.**

**EXT.P11: TRUE COPY OF THE ORDER IN CMP NO.2721 OF 2001 DT.4.7.2001.**

**EXT.P12: TRUE COPY OF THE COUNTER AFFIDAVIT INC MP NO.2721 OF 2001 DT.25TH JUNE, 2001.**

**EXT.P13: TRUE COPY OF THE PROCEEDINGS DT.15.12.1988.**

**EXT.P14: TRUE COPY OF THE ORDER NO.4351 DT.15.12.1988.**

**EXT.P15: TRUE COPY OF THE ORDER DT.10.2.1992.**

**EXT.P16: TRUE COPY OF THE REPORT DT.18.5.2001.**

**EXT.P17: TRUE COPY OF THE REPORT DT.1.5.2001.**

**EXT.P18: TRUE COPY OF THE LETTER DT.2.6.2003.**

**EXT.P19: TRUE COPY OF THE ORDER NO.R.O.C.2497/04/MIS.1 DT.29.9.2004.**

**EXT.P20: TRUE COPY OF THE ACQUITTANCE ROLL OF THE THIRUVALLAM TEMPLE FOR THE MONTH OF MIDUNAM 1120.**

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**EXT.P21: TRUE COPY OF THE ACQUITTANCE ROLL FOR THE MONTH OF FEBRURARY, 1953.**

**EXT.P22: TRUE COPY OF THE LETTER DT.15.10.2004.**

**EXT.P23: TRUE COPY OF THE COMMUNICATION DT.5.11.2004.**

**EXT.P24: TRUE COPY OF THE NOTICE DT.26.11.2004.**

**EXT.P25: TRUE COPY OF ACQUITTANCE ROLL FOR THE MONTH OF JUNE 2003.**

**EXT.P26: TRUE COPY OF LETTER DATED 1.1.2005.**

**EXT.P27: TRUE COPY OF SSLC CERTIFICATE.**

**EXT.P27: TRUE COPY OF THE MEDICAL CERTIFICATE DT.2.1.05 (PRODUCED ALONG WITH IA 3806 OF 2005)**

**EXT.P28: TRUE COPY OF THE MEDICAL CERTIFICATE DT.1.3.05.**

**EXT.P29: TRUE COPY OF THE SHOW CAUS ENOTICE R.O.C.NO.1271/05/MIS.B DT.28.1.05.**

**EXT.P30: TRUE COPY OF THE COPY OF THE LEAVE APPLICATION.**

**EXT.P3O(a): TRUE COPY OF THE COPY OF THE LEAVE APPLICATION DT.1.2.05.**

**EXT.P30(b): TRUE COPY OF THE COPY OF THE LEAVE APPLICATION DT.11.2.05.**

**EXT.P30(c): TRUE COPY OF THE OCPY OF THE LEAVE APPLICATION DT.1.3.05.**

**EXT.P31: TRUE COPY OF THE NOTICE DT.16.3.2005.**

**EXT.P32: TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER ON 7.3.2005.**

**EXT.P33: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIOENR ON 26.3.2005.**

**EXT.P34: TRUE OCPY OF THE FITNESS CERTIFICATE ISSUED BY THE DOCTOR ON 30.3.2005.**

**EXT.P35: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER ON 30.3.2005.**

**EXT.P36: TRUE COPY OF THE EXPLANATION.**

**EXT.P37: TRUE COPY OF THE REPLY DT.26.4.2005.**

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**EXT.P38: TRUE COPY OF THE ADVERTISEMENT IN MATHRUBHUMI DAILY DT.27.4.2005.**

**EXHIBITS OF R1**

**EXT.R1(a): TRUE COPY OF THE PROCEEDINGS ROC NO.7457/97/EST-I DATED 3.8.1998.**

**EXT.R1(b): TRUE COPY OF THE ORDER, ROC NO.10510/98/MIS DATED 30.4.2001.**

**EXT.R1(c): TRUE COPY OF THE ORDER, ROC NO.4102/98/MIS-I DATED 16.5.2002.**

**EXT.R1(d): TRUE COPY OF THE PROCEEDINGS ROC NO.2497/04/MIS-I DATED 1.7.2004.**

**EXT.R1(e): TRUE COPY OF THE COMPLAINT SUBMITTED BY THE DEVOTEES DATED NIL.**

**EXT.R1(f): TRUE COPY OF THE REPORT OF THE SUPERINTENDENT OF POLICE (VIGILANCE AND SECURITY) OF THE BOARD.**

**EXT.R1(g): TRUE COPY OF THE PROCEEDINGS ROC NO.3111/04/VIG.S DATED 5.7.2004.**

**EXT.R1(h): TRUE COPY OF THE JUDGMENT DATED 1.3.1991 IN OP NO.8673 OF 1989-B OF THIS HON'BLE COURT.**

**EXT.R1(i): TRUE COPY OF THE ROC NO.2137/88/MIS DATED 16.7.1991 OF THE BOARD.**

**EXT.R1(j): TRUE COPY OF THE ROC NO.3276/90/MIS DATED 17.7.1991 OF THE DEVASWOM COMMISSIONER.**

**EXT.R1(k): TRUE COPY OF THE AFFIDAVIT DATED 24.7.2004 FILED BY THE 1ST RESPONDENT IN WP.NO.20236 OF 2004.**

**EXT.R1(l): TRUE COPY OF THE APPLICATION DATED 13.12.2004 SUBMITTED BY SRI.NARAYANA SARMA ALONG WITH ENCLOSURES.**

**EXT.R1(m): TRUE COPY OF THE ORDER, ROC NO.5568/02/MIS.B DATED 1.1.2005 OF THE DEVASWOM COMMISSIONER.**

**EXT.R1(n): TRUE COPY OF THE REPORT VIDE NO.155/TDB/VIG/05 DATED 23.02.2005 OF THE SUPERINTENDENT OF POLICE (VIRS), TRAVANCORE DEVASWOM BOARD.**

**//TRUE COPY//**

**K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.**
**==========**
**W.P(c) NO. 20236 OF 2004**
**==========**
**Dated this the 24th day of May, 2007**

**J U D G M E N T**

**Radhakrishnan, J.**

Most of the reliefs sought for in the writ petition have become infructuous. The only grievance is that Ext.P37 order was issued by the Thiruvallam Devaswom Administrative Officer stating that he has no power to examine the leave application submitted by the petitioner and Devaswom Commissioner is the leave sanctioning authority. If Devaswom Commissioner is the leave sanctioning authority, petitioner is permitted to move an application before the Devaswom Commissioner. The Devaswom Commissioner shall consider the application and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of the application.

Writ petition is disposed of as above.

**K.S.RADHAKRISHNAN, JUDGE.**

**ANTONY DOMINIC, JUDGE.**

Rp